

# **City of Grey Forest**



## **City Council Policies, Procedures, and Rules of Order for City Meetings**

**Adopted by City Council March 22, 2016**

**and**

**Amended on April 26, 2016**



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## 1 Purpose

The following rules and procedures are hereby adopted for the City of Grey Forest City Council as a Type A General Law city in the State of Texas. These rules and procedures may be amended by resolution from time to time as necessary by a majority vote of the City Council. These rules and procedures are intended to supplement State law and are not intended to replace any requirement of State law.

The descriptions and city government roles herein are derived from the Texas Local Government Code, the established policies and procedures of the City of Grey Forest, and publications of the Texas Municipal League, in particular, the *Handbook for Mayors and Councilmembers (2015)*.

The Rules of Order for the City Council meetings of the City of Grey Forest are adapted from the *Rosenberg's Rules of Order (2011) - Simple Rules of Parliamentary Procedure for the 21st Century*.

## 2 City Council

As background for conducting the business of the City of Grey Forest and its City Council meetings, it is important to understand the duties and roles of the elected officials that comprise the City Council.

### 2.1 Office of the Mayor

The Mayor occupies the highest elective office in the municipal government. As political head of the city, the Mayor is expected to provide the leadership necessary to keep it moving in the proper direction. The Mayor is the city's chief executive officer. The Mayor presides over City Council meetings and is generally recognized as the ceremonial and governmental head of the city for most purposes.

Some of the powers exercised by the Mayor are created through ordinances and resolutions adopted by the City Council. Some mayoral powers are prescribed by state law. The Mayor's most significant responsibilities are summarized in the following list:

- *Legislative Responsibilities* - The Mayor's most important duty is to carry out the legislative responsibilities he or she shares with other Councilmembers—identifying the needs of the City, developing programs to satisfy those needs, and evaluating the extent to which municipal services satisfactorily reflect the policy goals of the City Council. Under the law and the policies and procedures previously adopted by the City of Grey Forest, the Mayor:
  - is the presiding officer of the City Council, and as such controls the flow and order of City Council meetings
  - has no vote in the City Council except in the case of a tie vote
  - rules on questions of procedure at City Council meetings, and those rulings are binding unless successfully challenged by a majority of the City Council
  - can formally object to ordinances and other resolutions passed by the council. If the Mayor objects to an ordinance or resolution before the fourth day after it is placed in the city secretary's office, it must be reconsidered by the City Council. If approved, it becomes effective (Local Government Code Section 52.003).
- *Financial Responsibilities* – the Mayor has many responsibilities regarding the financial and business aspects of the city. The Mayor:
  - serves as the city's budget officer



- works as appropriate with city departments and contractors to determine needs and costs of services in preparing a proposed budget
  - prepares a proposed budget and submits the budget to the city secretary in accordance with state law
  - convenes a public hearing on the proposed budget
- *Appointive Powers* – the Mayor is responsible for filling vacancies of appointed city positions subject to confirmation by the City Council.
- *Law Enforcement and Related Duties* – The office of the Mayor involves a variety of law enforcement responsibilities. The Mayor:
  - is specifically obligated by law to ensure that the laws and ordinances of the city are properly carried out
  - in the event of a riot or unlawful assembly or to preserve the peace, may order the closing of certain public places
  - under extreme circumstances, as in the case of a riot, can summon a special police force into service (Local Government Code Section 341.011) or call for assistance from the Texas National Guard.
  - is permitted to require a mandatory evacuation order, and control who can access an area during a phased reentry (Government Code chapters 418 and 433).
- *Judge of the Municipal Court* – if there is no judge of the municipal court, the Mayor is ex officio judge of the court (Government Code Section 29.004). A Mayor serving as the ex officio municipal judge must receive the annual training required of all municipal judges.
- *Signatory Duties* – as signatory for the city, the Mayor is required to sign a variety of documents to give them official legal effect. The Mayor's signature is required on all bonds, certificates of obligation, warrants, and other evidence of debt, as well as ordinances, resolutions, advertisements for bids on public works projects, contracts, and similar legal paperwork. The Mayor is also responsible for signing proclamations recognizing special events and personal achievements.
- *Ceremonial Duties* – the Mayor:
  - is expected to participated in local ceremonial events
  - may also issue proclamations for a variety of purposes
  - may be called on to be a featured speaker before such organizations as professional clubs and neighborhood groups
  - can expect to be interviewed, photographed, and otherwise placed on extensive public display by the media.
- *Administrative Duties* – the Mayor serves in the dual roles of administrator and political head of the city, going to city hall as required, working with department heads on matters that need attention, and performing the ceremonial duties that go with the office.

## **2.2 Office of Mayor Pro Tem**

The Mayor Pro Tempore (Pro Tem) is a Councilmember who performs the Mayor's duties during the Mayor's incapacity or absence. The Mayor Pro Tem is selected by majority vote of the City Council from among its own membership. The Mayor Pro Tem's term is one year. (Local Government Code Section 22.037 and 23.027). The Mayor Pro Tem retains the right to vote on all matters before the City Council (and not just to break a tie) while performing the duties of the Mayor.

## 2.3 Office of Councilmember

Together with the Mayor, the Councilmembers are the city's legislators. Their primary duty is policymaking, which includes identifying the needs of local residents, formulating programs to meet the changing requirements of the community, and measuring the effectiveness of ongoing municipal services. In addition, the City Council should provide leadership and direction for the city, in deciding what needs to be done, and in helping plan what the city will be for future generations. The Councilmembers:

- As an individual:
  - is entitled to vote or abstain on every question decided at a City Council meeting
  - has full parliamentary privileges in City Council meetings—including the right to speak and make motions when recognized by the Mayor as presiding officer
  - the right to introduce new ordinances and amendments to existing ones
  - is not authorized to give orders to city employees, determine priorities, make assignments, nor make decisions for the city unless specifically designated by the Mayor or an in session of City Council
- As a body, in an open meeting with a quorum present, the City Council:
  - As regulators:
    - exercise regulatory powers over the conduct and property of its citizens
    - has the power to declare certain conduct to be criminal
    - may require that certain businesses and activities be licensed
    - may tell property owners how and for what purposes they may use their property
    - may approve ordinances
    - confirm mayoral appointments
  - As financiers:
    - may levy taxes
    - may assess fees and charges
    - may sell bonds in order to finance the many functions of the city government
    - deliberate on and adopt the annual city budget
  - As an employer:
    - is responsible for all of the city's employees
    - must see that city employees are adequately paid and provided with decent working conditions and fringe benefits.

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### **3 City Council Meetings**

It is imperative that every meeting of the City Council be conducted in an orderly and legal manner. If the City Council's procedures are improper, the legality of its actions may be successfully challenged in court. Properly run meetings of the City Council provide the citizens with a consistent and solid approach to conducting the business of the City of Grey Forest. . Councilmembers should be cognizant of brevity, pertinence and conciseness with their discussions in order to not make the meetings laborious or boring for the citizens in attendance.

#### **3.1 Legal Requirements**

State law prescribes several specific requirements for City Council meetings, including:

- that meetings be scheduled at a fixed time and place
- that a quorum of the City Council be present for the transaction of business
- that any question before the City Council be decided by majority vote of the members present and voting, except where the law requires more than a simple majority;
- that the Mayor always presides, if present.

#### **3.2 Texas Open Meetings Act**

Every meeting of the City Council must be conducted in accordance with chapter 551 of the Government Code, the Texas Open Meetings Act. Each elected or appointed member of a governmental body must take at least one hour of training in the Texas Open Meetings Act. The training must be completed not later than ninety days after the member takes the oath of office or assumes the responsibilities of the office. The Texas Open Meetings Act requires:

- that written notice of the date, hour, location, and subject of every City Council meeting, be posted 72 hours (except in special circumstances as specified in the Texas Open Meetings Act) in advance of such meeting on a bulletin board in city hall accessible to the public day and night
- cities that maintain a website must also post the notice on the website
- that all City Council meetings, with very narrow exceptions, be open to the public. Closed meetings ("executive sessions") are permitted for the discussion of items that legitimately fall within the exceptions as specified in the Texas Open Meetings Act and must be conducted accordingly
- that communications between a quorum of a City Council about public business, no matter the forum or the time, constitute a "meeting" to which the Texas Open Meetings Act applies. Therefore, Councilmembers must be careful when using email, interacting on social media sites, attending social events where a quorum may be present, etc.

#### **3.3 Public Information Act**

Chapter 552 of the Government Code requires that most city records, including those in the possession of councilmembers, be open to public inspection. "Public information" is defined as information that is written, produced, collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business. As with the Texas Open Meetings Act, there are training requirements that must be met. For more details, refer to the Public Information Act.

### 3.4 City Council Meetings

Although the procedures and rules to all meetings where there is a quorum of the City Council present, there are four basic types of meetings that comprises almost all City Council meeting requirements:

- **Regularly Scheduled Meetings** – The meetings are held on the fourth Tuesday of each month of the year at 6:30 PM at the City of Grey Forest City Hall, unless rescheduled or canceled due to holidays or special circumstances. A future meeting to be rescheduled or canceled must be done in advance at a regularly scheduled City Council meeting.
- **Work Sessions** – Informal work sessions (sometimes called “workshops”) of the City Council may be needed from time to time to study certain matters in detail. These are most often held in conjunction with budget review, since regular City Council meetings do not provide enough time to consider the budget in detail. Work sessions also are useful when major policy questions must be decided or when a complicated ordinance, such as a building code, comes before the City Council. The Texas Open Meetings Act applies to all City Council meetings, whether formal or informal. Notices of workshop meetings therefore should be posted in the same manner as notices of regular City Council meetings. Also, minutes or a tape recording must be made of these meetings.
- **Public Hearings** – are used to present evidence on both sides of an issue. Some public hearings are required by state law, as in the case of the Uniform Budget Law (Sections 102.001 et seq., Local Government Code), which requires a public hearing on the city budget prior to its adoption. Others are voluntarily conducted by the City Council to obtain a full range of citizen opinion on important matters, such as a proposed bond issue. The proper conduct of a public hearing is no less important than for a regular City Council meeting. Each should begin promptly and be conducted in an orderly manner in conformance with established rules of procedure. At the start of the hearing, the presiding officer should clearly state the subject to be discussed.
- **Emergency Meetings** – In case of an emergency or urgent public necessity, which shall be expressed in the meeting notice, it shall be sufficient if members receive, and notice is posted two (2) hours before the meeting is convened. Notice shall be provided also to the media in accordance with the Texas Government Code, Section 551.047.

#### 3.4.1 Executive Sessions

Executive sessions are sessions closed to the public. They are only permitted for the purpose of discussing matters enumerated in Chapter 551, Texas Open Meetings Act of the Texas Government Code. Disclosure of topics to be discussed shall be made to the public in accordance with the requirements of the Texas Open Meetings Act. Executive sessions are limited to the following areas of discussion:

- **Real Property Deliberations** – to deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person
- **Personnel Matters** – to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee although this must be conducted in open session if the officer or employee requests a public hearing



- **Economic Development** - to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or to deliberate the offer of a financial or other incentive to a business prospect that meets the above requirements
- **Consultation with Attorney** – to seek advice about legal matters, pending or contemplated litigation, or settlement offers. **NOTE: General discussion of policy not permitted**
- **Security/Homeland Security Measures**

The City Council can retire into an executive session as stated on a posted agenda during a regular or special meeting, if a motion is duly made and seconded and affirmed by a majority of the Council. However, before said session begins, the presiding officer shall announce that the executive session is commencing. The order in which an executive session may appear on the agenda is subject to the discretion of the City Council. A certified record of the meeting will be created by the Mayor or his or her designee, sealed and permanently kept, subject to opening by court order. No voting or action shall be taken by the City Council during an executive session. No other subject but that posted on the agenda is to be considered. Adjournment of the executive session and any vote needed shall be made during the open public meeting.

Items discussed in executive session are to remain private. Except for action taken in open session, no Councilmember, staff member or legal counsel may discuss or reveal the proceedings of an executive session. Section 551.146 of the Texas Government Code makes such an act a class B misdemeanor and opens the person who reveals such information personally liable for any damages resulting from such action.

### **3.4.2 Agenda**

The agenda for a City of Grey Forest Regularly Scheduled City Council Meeting is a well organized and ordered outline of activities for the City Council to follow in the course of its meeting. It lists all the items of business that will be considered and allows both councilmembers and citizens attending the meeting to know the reports and topics of discussion and actions for the business to be conducted.

The agenda for the City of Grey Forest Council meetings are used as the notice of the meeting. Every agenda item is specific to the business to be conducted.

Agendas are also required for any meeting of the City Council including Workshops and Public Hearings. While many of the announcements and reports are typically not part of these other meetings, the business items are required to be specifically described in the agenda.

#### **3.4.2.1 Agenda Preparation**

The Mayor, or his/her designee, shall prepare City Council meeting agendas and ensure that they are properly posted. The agenda and accompanying meeting packet shall be distributed to members of the City Council as soon as reasonably practicable before the meeting day.

Except as provided below, the Mayor shall have final approval authority over the inclusion of any and all items on the agenda for a City Council meeting. Items proposed to be included on the agenda shall be submitted to the City Secretary who shall submit said items to the Mayor for approval and inclusion.

1. Items that individual Councilmembers may wish to place on the agenda are subject to the approval of the Mayor. If the Mayor approves placement of a Councilmember's item on the agenda, any materials for the item should be sent to the City Secretary for inclusion in the City Council meeting packet.

The same agenda item submitted by at least two Councilmembers shall be put on the agenda.

***NOTE: Councilmembers must be cognizant of the Texas Open Meetings act and avoid roaming quorums when discussing proposed agenda items.***

2. At a City Council meeting, a Councilmember may request that a matter be placed on a future City Council meeting agenda. The request shall be acted upon by the Mayor at that meeting and if the Mayor fails to act or denies the request, the Councilmember requesting the item may move to place the matter on a future agenda. If the motion receives a second and is passed by a majority of the members present at the meeting, the matter shall be placed on the agenda for the next City Council meeting in accordance with the motion.
3. Agenda items shall be placed on the agenda in an appropriate manner to allow action on the item, even if action is not anticipated.

### **3.4.2.2 Agenda Contents**

The following provides the basic structure of the City of Grey Forest Council Meeting agenda:

1. Call to Order – The Mayor calls the meeting to order and notes the councilmembers present and determines the presence of a quorum.
2. Pledge of Allegiance – Honoring our country, the pledge is recited at each regularly scheduled City Council meeting
3. Approve Minutes of the Previous Meeting(s) – Unless a majority of the City Council desires that the minutes of the previous City Council meeting be read, the minutes can be approved as submitted or corrected.
4. Presentations by Citizens – permits citizens and guests to present thoughts and ideas to the City Council (See Citizen Interaction below)
5. Announcements and Reports – provides information from various city staff, boards, utility, departments and contractors (as appropriate). The typical Announcements and Reports include:
  - Mayor's Announcements/Financial Reports/Use of City Attorney Report
  - Council/Staff Announcements
  - Committee Announcements/Reports
  - Grey Forest Community Board Update
  - Senator Frank L. Madla, Jr. Natural Area Update
  - Police Department Activity Report
  - Public Works Announcements/Report
  - GFU Announcements/Report
  - Fire Department Report
6. New Business – New ordinances, resolutions, amendments, policies or other business that the Mayor, Councilmembers or City Staff wish to have the City Council consider. Under the Texas Open Meetings Act, each item to be considered must be specifically described in the agenda.
7. Old Business – business pending from previous City Council meetings. Each item must be specifically described in the agenda.



8. Adjournment – If there is no further business, the mayor can adjourn the meeting without a motion or a vote. If all of the items listed in the agenda have not been considered and disposed of, a motion and a majority vote is required to adjourn.

### **3.4.3 Meeting Minutes**

The City of Grey Forest Council meetings are required to be open meetings. The minutes shall state the subject matter of each deliberation and shall indicate each vote, other decision, or other action taken by the City Council. The minutes are required even when no formal actions or votes occur.

### **3.4.4 Conducting the Meeting**

City Council meetings should be started on time and are typically conducted in the order of the agenda. Depending on the nature of the business, the Mayor as presiding officer may change the order in which items are addressed. For example, if a guest is invited to present to City Council, as a courtesy that item may be moved up in the agenda to accommodate the guest's schedule. Another example, items may be related to other items on the agenda and order may be changed to follow a more logical train of thought. Adjusting the order of items on the agenda is at the discretion of the Mayor.

### **3.4.5 Establishing a Quorum**

The starting point for a City Council meeting is the establishment of a quorum. A quorum is defined as the minimum number of Councilmembers who must be present at a meeting for business to be legally transacted. In the case of the Grey Forest City Council, three Councilmembers with the authority to cast votes must be present to comprise a quorum. When the City Council has three Councilmembers present at a properly posted City Council Meeting, it can legally transact business. If the City Council has less than a quorum of Councilmembers present, it cannot transact business. If the City Council has a quorum to begin the meeting, it is possible that the City Council can lose the quorum during the meeting when a Councilmember departs (or even when a Councilmember leaves the council chambers). When this occurs, the City Council loses its ability to transact business until and unless a quorum is reestablished.

### **3.4.6 Citizen Interaction**

A "Presentation by Citizens" period is a time slot set aside near the beginning of the agenda for members of the public to address the City Council on any subject.

Although limited verbal interchanges between members of the public and councilmembers are appropriate, extensive discussions and exchanges are not allowed. Councilmembers may ask questions of the speaker to clarify a point but further discussion is not allowed. When a member of the public makes an inquiry about a subject for which notice has not been given, a Councilmember may respond with a statement of factual information or recite existing policy. The City Council cannot take action unless it has been posted on the agenda in accordance with the Texas Open Meetings Act. If a citizen raises an issue that may require action, the item can be considered for inclusion on an agenda at a future City Council meeting.

Members of the public may address the City Council in courteous manner and may not engage in personal attacks on councilmembers or other citizens. Councilmembers are expected to be polite to citizens appearing before them, but there is no requirement that they subject themselves to intimidation by rude speakers.

Comments by members of the public are limited to three (3) minutes for any one speaker. Members of the public that wish to address City Council are expected to do so in person. In the event that a member of the public wants to address City Council and cannot attend the City Council meeting, they may submit a written statement to the City Secretary no later than 30 minutes prior to the start of the meeting. The Mayor will read the statement at the meeting up to the three minute cutoff time.

The Texas Open Meetings Act sets the framework and law that allows citizens to witness the actions of City Council in legislating and conducting the business of the city in meetings. It does not specify that the citizens can speak or actively participate in such meetings. The Presentations by Citizens is a formal recognition of the value of citizen contributions to the process. Comments and questions at other times during the meeting are allowed solely at the discretion of the Mayor.

It is important for the public to understand the proceedings, so the Mayor should make a point to convey what is going on. As a guide, these things should be conveyed throughout the meeting:

- Tell the public what the City Council will be doing.
- Keep the public informed while the City Council is doing it.
- When the City Council has acted, tell the public what the City Council did.

### **3.4.7 Courtesy and Decorum**

The rules of order are meant to create an atmosphere where the Councilmembers and the members of the public can attend to business efficiently and fairly. At the same time, it is up to the Mayor and the Councilmembers to maintain common courtesy and decorum.

Unless the setting is very informal, it is always best for only one person at a time to have the floor, it is always best for every speaker to be first recognized by the Mayor before proceeding to speak and others should refrain from interrupting the speaker while they have the floor. In order to keep order in the meeting and to keep the meeting progressing, the Mayor may interrupt and request that the speaker complete the point being made.

The Mayor should strive to ensure that discussion of an agenda item focuses on the item and the policy in question, not the personalities of the Councilmembers. Debate on policy is healthy, debate on personalities is not. The Mayor has the right to cut off discussion that is too personal, is too loud, or is too crude.

In order to assist in the creation and maintenance of that atmosphere the following rules shall govern all meetings.

#### **3.4.7.1 Distractions**

To avoid distraction from the business of the meeting and as a courtesy to others, cell phones should be silenced. Side discussions should not be conducted during the meeting. Signs and placards that block any person attending the meeting or that cause any distractions are not permitted

#### **3.4.7.2 Request to Speak**

Before a Councilmember, staff member or an audience member may speak, they must first be recognized by the Mayor. Upon recognition the person requesting to speak shall hold the floor and shall make their point clearly and succinctly. Public comments must be kept relevant to the subject before the



City Council. The Mayor shall rule on the relevance of comments. Persons making irrelevant, personal, impertinent, overly redundant or slanderous remarks may be barred by the Mayor from further comment before the City Council during the meeting.

### **3.4.7.3 Order**

If a person fails to request to speak before speaking, the Mayor may rule them 'out of order' and remind them that they do not have the floor. While the City Council is in session, all Councilmembers must preserve order and decorum. A person shall neither, by conversation or otherwise, delay or interrupt the proceedings or the peace of the meeting, nor disturb any other person while speaking or refuse to obey the orders of the Mayor. Councilmembers should not leave their seats during a meeting without first obtaining permission of the Mayor, or making a motion to recess.

### **3.4.7.4 Improper References Prohibited**

Every person desiring to speak shall address the entire City Council and should not single out a member of the City Council, the audience or a staff member. Speakers shall confine themselves to the question under debate, avoiding all personal attacks and indecorous language.

### **3.4.7.5 Interrupting Discussion**

Discussion should be focused, but free enough for Councilmembers to express their views, concerns, recommendations on, and/or support for or disagreement with an agenda item. In the interest of time, the Mayor may, however, limit the time allotted to speakers, including Councilmembers.

A Councilmember, once recognized, shall not be interrupted when speaking unless it is to call him or her to order. If the Councilmember, while speaking, is called to order, he or she shall cease speaking until the question of order is determined, and if the Councilmember is found to be in order, he or she shall be permitted to proceed speaking.

As stated previously, interruptions are generally not permitted. There are, however, exceptions. A speaker may be interrupted for the following reasons:

- **Privilege.** The proper interruption would be: "point of privilege." The Mayor would then ask the interrupter to "state your point." Appropriate points of privilege relate to anything that would interfere with the normal comfort of the meeting. For example, the room may be too hot or too cold, or a blowing fan might interfere with a person's ability to hear.
- **Order.** The proper interruption would be: "point of order." Again, the Mayor would ask the interrupter to "state your point." Appropriate points of order relate to anything that would not be considered appropriate conduct of the meeting. For example, a point of order could be raised if the Mayor moved on to invite a motion and vote without allowing discussion.
- **Appeal.** If the Mayor makes a ruling that a Councilmember disagrees with, that Councilmember may appeal the ruling of the Mayor. If the motion is seconded, and after discussion on the point of appeal, a vote on the appeal is taken. If it passes by a simple majority vote, then the ruling of the Mayor is deemed reversed.
- **Call for orders of the day.** This is simply another way of saying, "Let's return to the agenda." If a Councilmember believes that the City Council has drifted from the agreed-upon agenda, such a call may be made. It does not require a vote, and when the Mayor discovers that the agenda has

not been followed, the Mayor simply reminds the City Council to return to the agenda item properly before them. If the Mayor fails to do so, the Mayor's determination may be appealed.

- **Withdraw a motion.** During any type of discussion of a motion that has been made and seconded, the maker of the motion on the floor, at any time before a vote, may interrupt a speaker to withdraw his or her motion from the floor. The motion is immediately deemed withdrawn, although the Mayor may, although is not required to, ask the person who seconded the motion if he or she wishes to withdraw the second.

#### **3.4.7.6 Enforcement of Rules and Procedures**

The following provisions in the order listed may be used to enforce the good order and decorum of the meeting. The action may be taken by the Mayor under his or her own action, or upon a successful Motion to Enforce by any Councilmember.

1. **Warning.** The Mayor may order any person (Councilmember, staff member or audience member) in violation of these rules to be silent.
2. **Removal.** If, after receiving a warning from the Mayor, the person continues to disturb the meeting or breach the peace and good order of the meeting, the Mayor may order the person to leave the meeting and is barred from further attendance for the remainder of the current meeting. If the person does not leave the room, the Mayor may order the Sergeant-at-Arms to remove the person.

**Sergeant-at-Arms.** The sergeant-at-arms shall be the highest ranking police officer in attendance at the City Council meeting, or such other officer designated by the Chief of Police or the Mayor for that purpose. Upon instruction of the Mayor, it shall be the duty of the sergeant-at-arms to remove from the meeting any person who intentionally disturbs the proceedings of the City Council. A violation of these rules may be deemed an attempt to disrupt, obstruct, and/or interfere with a lawful meeting and subject the violator to prosecution under state law for disrupting a lawful meeting. (Section 42.05, Texas Penal Code)

3. **Resisting Removal.** Any person who resists removal by the Sergeant-at-Arms may be charged with violating Section 42.05 of the Texas Penal Code.
4. **Motion to Enforce.** Any Councilmember may move to require the Mayor to enforce these rules and the affirmative vote of a simple majority of the City Council shall require the Mayor to do so. A motion to enforce is an allowable interruption and is not debatable.

#### **3.4.7.7 City Council May Discipline its Own Members**

In the event a Councilmember significantly violates these rules or any other ordinance of the city, or acts in a manner that causes embarrassment or disgrace to the City of Grey Forest, the City Council may discipline the offending member based on two-thirds majority vote.

**NOTE: This type action is a serious matter and shall not be used in a frivolous manner such as differences of opinion, ideological disagreements, or personalities.**

Such action may only take place after an executive session is held to discuss the offense. The offending member shall be present at the executive session to answer any questions asked by Councilmembers or make other statements as he or she may desire to make in his or her defense. If the offending member



refuses to attend the executive session, the remaining Councilmembers may proceed in his or her absence.

The outcome of the executive session may be as follows and shall be made publicly in open session in accordance with the Texas Open Meetings Act:

- No Action. The City Council chooses to take no action.
- Private Censure. The City Council may choose to privately censure the offending member, leaving their comments to the offending member left in the confines of the executive session.
- Public Censure. The City Council may choose to publicly censure the offending member through a resolution passed by two thirds vote and entered into the public record.

### **3.4.8 Rules of Order for New and Old Business**

Adapted from *Rosenberg's Rules of Order, Revised (Simple Rules of Parliamentary Procedure for the 21st Century)* By Judge Dave Rosenberg (First Revision dated July 2011).

#### **3.4.8.1 Introduction**

The rules of order at meetings should be simple enough for most people to understand. The foundation for the rules of order used by the City Council in conducting its meeting follow these four pillars:

1. Rules should establish order. The first purpose of rules of parliamentary procedure is to establish a framework for the orderly conduct of meetings.
2. Rules should be clear. Simple rules lead to wider understanding and participation.
3. Rules should be user friendly. That is, the rules must be simple enough that the public is invited into the City Council and understands the business being conducted.
4. Rules should enforce the will of the majority while protecting the rights of the minority. The ultimate purpose of rules of procedure is to encourage discussion and to facilitate decision-making by the City Council. The rules must enable the majority to express itself and fashion a result, while permitting the minority to also express itself, but not dominate, and fully participate in the process.

#### **3.4.8.2 The Role of the Mayor**

While all Councilmembers should know and understand the rules of parliamentary procedure, it is the Mayor as the presiding officer who is charged with applying the rules in the conduct of the meeting. The Mayor should be well versed in those rules. The Mayor, for all intents and purposes, makes the final ruling on the rules every time the Mayor states an action. In fact, all decisions by the Mayor are final unless overruled by the Councilmembers.

Since the Mayor runs the conduct of the meeting, it is common for the Mayor to play a less active role in the debate and discussion than other Councilmembers. This does not mean that the Mayor should not participate in the debate or discussion. To the contrary, the Mayor as a member of the governmental body has the full right to participate in the debate, discussion and decision-making of the City Council. What the Mayor should do, however, is strive where he or she thinks appropriate, to be the last to speak at the discussion and debate stage, and the Mayor should not make or second a motion unless the Mayor is convinced that no other Councilmember will do so at that point in time.

### ***3.4.8.3 Agenda Item Discussion, Motion, and Vote on New and Old Business Items***

City Council meetings have a written and published agenda, are governed by the agenda, and the agenda constitutes the roadmap for the meeting. Each agenda item can be handled by the Mayor in the following basic format:

1. the Mayor should clearly announce the agenda item number and should clearly state and introduce the subject of the agenda item. The Mayor should then announce the format (which follows) that will be followed in considering the agenda item.
2. the Mayor may invite the appropriate person or persons to report on the item, including any recommendation that they might have. The appropriate person or persons may be the Mayor, a Councilperson, a staff person, or a committee Mayor charged with providing input on the agenda item.
3. the Mayor should invite discussion on the item. The primary participants in the discussion are the Councilmembers and the person or persons who reported on the item if they are not councilmembers. At the Mayor's discretion, the Mayor may invite the public attending the meeting to comment. The Mayor may limit the time of public speakers.

The purpose of conducting discussion of an item prior to inviting a motion, is to allow a motion to be clearly formed and based on the discussion, so as to avoid complications of amending, substituting, or withdrawing motions.

Action can be specified on an agenda items, but that does not mean that action must be taken. An item can be discussed and ended without motion if appropriate for the item, can be placed on a future meeting agenda for the body, or disposed in any other manner appropriate for the item.
4. the Mayor should invite a motion. The Mayor should announce the name of the Councilmember of the City Council who makes the motion.
5. the Mayor should determine if any Councilmember wishes to second the motion. The Mayor should announce the name of the Councilmember who seconds the motion. It is normally good practice for a motion to require a second before proceeding with it, to ensure that it is not just one Councilmember who is interested in a particular approach. However, a second is not an absolute requirement, and the Mayor can proceed with consideration and vote on a motion even when there is no second. This is a matter left to the discretion of the Mayor. If a second to the motion is not made and the Mayor does not opt to allow proceeding with consideration and vote, then the motion fails and the item is tabled without requirement to be rescheduled.
6. if the motion is made and seconded, the Mayor should make sure everyone understands the motion. If the motion is not understood, then it may be clarified in one of three ways:
  - a. The Mayor can ask the maker of the motion to repeat it
  - b. The Mayor can repeat the motion.
  - c. The Mayor can ask the secretary to repeat the motion.
7. the Mayor should now ask if there are any technical questions of clarification on the motion and make an effort to determine the answers to the questions. At this point, the Mayor should announce that the City Council will vote on the motion and then the vote on the motion should proceed immediately
8. the Mayor takes a vote. Simply asking for the "ayes", and then asking for the "nays" normally does this. If Councilmembers do not vote, then they "abstain". A simple majority determines



whether the motion passes or is defeated. The Mayor may cast a vote only in the case of a tie vote. See Section 3.4.8.8 *Counting Votes* for additional clarification on voting.

9. the Mayor should announce the result of the vote and should announce what action (if any) the City Council has taken. In announcing the result, the Mayor should indicate the names of the Councilmembers, if any, who voted in the minority on the motion. This announcement might take the following example form: "The motion passes by a vote of 3-2, with Smith and Jones dissenting. We have passed the motion requiring 10 days' notice for all future meetings of this City Council."

#### **3.4.8.4 Motions in General**

Motions are the vehicles for decision-making by the City Council.

Motions are made in a simple two-step process. First, the Mayor invites a motion to be made. Second, a Councilmember makes a motion by preceding the member's desired approach with the words: "I move . . . ." So, a typical motion might be: "I move that we give 10-days' notice in the future for all our meetings."

The Mayor usually invites the motion by either:

1. Inviting the Councilmembers to make a motion. "A motion at this time would be in order."
2. Suggesting a motion to the Councilmembers. "A motion would be in order that we give 10-days' notice in the future for all our meetings."
3. Making the motion.

As noted, the Mayor has every right to make a motion, but should normally do so only if the Mayor wishes to make a motion on an item but is convinced that no other Councilmember is willing to step forward to do so at a particular time.

#### **3.4.8.5 The Four Types of Motions on an Agenda Item**

There are four motions that are the most common and recur often at a City Council meeting:

- **Basic motion.** The basic motion is the one that puts forward a decision for the City Council's consideration. An example of a basic motion might be: "I move that we create a 5-member committee to investigate tree preservation."
- **Motion to amend.** After a motion is made and prior to a vote on the motion, if a Councilmember wants to change a basic motion that is before the City Council, they would move to amend it. An examples of a motion to amend might be: "I move that we amend the motion to have a 7-member committee." A motion to amend takes the basic motion which is before the City Council and seeks to change it in some way.
- **Substitute motion.** After a motion is made and prior to a vote on the motion, if a Councilmember wants to completely do away with the basic motion that is before the City Council, and put a new motion before the City Council, they would move a substitute motion. An examples of a substitute motion might be: "I move a substitute motion that we do not investigate tree preservation."
- **Motion to table.** This motion, if passed, requires consideration of the agenda item to be halted and the agenda item to be placed on "hold". The motion can contain a specific time in which the item can come back to the body. For examples: "I move we table this item until our regular

meeting in October.” Or the motion can contain no specific time for the return of the item, in which case a motion to take the item off the table and bringing it back to the City Council will have to be taken at a future meeting. A motion to table an item or to bring it back to the body as an agenda item at a future meeting requires a simple majority vote.

“Motions to amend” and “substitute motions” are often confused. But they are quite different, and their effect (if passed) is quite different. A motion to amend seeks to retain the basic motion on the floor, but modify it in some way. A substitute motion seeks to throw out the basic motion on the floor, and substitute a new and different motion for it. The decision as to whether a motion is really a “motion to amend” or a “substitute motion” is left to the Mayor. So that if a Councilmember makes what that member calls a “motion to amend”, but the Mayor determines that it is really a “substitute motion”, then the Mayor’s designation governs.

#### ***3.4.8.6 Handling Multiple Motions on an Agenda Item***

There can be up to three motions related to an agenda item on the floor at the same time. The Mayor can reject a fourth motion until the Mayor has dealt with the three that are on the floor and has resolved them. As a practical matter, more than three motions on the floor at one time tends to be too confusing and unwieldy.

When there are two or three motions on the floor (after motions and seconds) at the same time, the vote should proceed first on the last motion that is made. So, for example, assume the first motion is a basic “motion to have a 5-member committee to investigate tree preservation.” During the technical questions on clarification of this motion, a Councilmember might make a second motion to “amend the main motion to have a 7-member committee, not a 5-member committee to investigate tree preservation.” A second to this motion is required for the motion to stand. The Mayor may allow discussion on the motion to amend. And perhaps, during that discussion, a Councilmember makes yet a third motion as a “substitute motion that we not investigate tree preservation.” A second to this motion is required for the motion to stand. The Mayor may allow discussion on the substitute motion.

The proper procedure for handling situations like this would be as follows:

1. the Mayor would deal with the third (the last) motion on the floor, the substitute motion. A vote would be taken first on the third motion. If the substitute motion passed, it would be a substitute for the basic motion and would eliminate it. The first motion would be moot, as would the second motion (which sought to amend the first motion), and the action on the agenda item would be completed on the passage by the City Council of the third motion (the substitute motion). No vote would be taken on the first or second motions.
2. if the substitute motion failed, the Mayor would now deal with the second (now, the last) motion on the floor, the motion to amend. A vote would be taken on this motion. If the motion to amend passes, the Mayor would now move to consider the main motion (the first motion) as amended. If the motion to amend failed the Mayor would now move to consider the main motion (the first motion) in its original format, not amended.
3. the Mayor would now deal with the first motion that was placed on the floor. The original motion would either be in its original format (5-member committee), or, if amended, would be in its amended format (7-member committee). A vote would then be taken on this motion.



### **3.4.8.7 Special Motions**

As a general rule, motions on agenda items move through the processes outlined above. There are exceptions to this general rule.

There are special motions that can be made at any time that typically apply when there is a desire of the City Council to move on. The following motions are not debatable. This means that when any of the following motions are made and seconded, the Mayor must immediately call for a vote of the City Council without debate or questions on the motion:

- **Motion to adjourn.** This motion, if passed, requires the City Council to immediately adjourn to its next regularly scheduled meeting. It requires a simple majority vote.
- **Motion to recess.** This motion, if passed, requires the City Council to immediately take a recess. Normally, the Mayor determines the length of the recess which may be a few minutes or an hour. It requires a simple majority vote. An exception is that the Mayor may call a short recess without a motion or a vote.
- **Motion to fix the time to adjourn.** This motion, if passed, requires the City Council to adjourn the meeting at the specific time set in the motion. For example, the motion might be: "I move we adjourn this meeting at midnight." It requires a simple majority vote.
- **Motion to limit discussion.** The most common form of this motion is to say: "I move the previous question" or "I move the question" or "I call the question" or simply "question." (As a practical matter, when a Councilmember calls for the "question" the Mayor can expedite things by simply asking the City Council if anyone wishes to continue discussing the underlying matter. If no one wishes to discuss it further, the Mayor can proceed to a motion and a vote on an agenda item or discussion/report on any other underlying matter before the City Council – without having to vote on the "question". On the other hand, if even one Councilmember wishes further discussion on the agenda item or underlying matter, then the Mayor has to treat the call for the "question" as a motion and proceed accordingly.) When a Councilmember makes such a motion for the "question", the Councilmember is really saying: "I've had enough discussion. Let's get on with the item or meeting". When such a motion is made, the Mayor should ask for a second, stop discussion, and vote on the motion to limit discussion. The motion to limit discussion requires a two-thirds vote of the City Council.

***Note: the Motion to Limit discussion could include a time limit. For example: "I move we limit discussion on this item to 15 minutes." Even in this format, the motion to limit discussion requires a two-thirds vote of the City Council.***

- **Motion to Reconsider** There is a special and unique motion that requires a bit of explanation all by itself; the motion to reconsider. A tenet of parliamentary procedure is finality. After discussion, motions and a vote, there must be some closure to the issue. And so, after a vote is taken, the matter is deemed closed, subject only to reopening if a proper motion to reconsider is made and passed. The basic concept of this motion is:
  - a motion to reconsider requires a majority vote to pass like any other agenda item motions. But there are two special rules that apply only to the motion to reconsider.
    - First, is the matter of timing. A motion to reconsider must be made at the meeting where the agenda item was first voted upon. A motion to reconsider made at a later time is untimely.

- Second, a motion to reconsider may be made only by certain Councilmembers. Accordingly, a motion to reconsider may be made only by a Councilmember who voted in the majority on the original motion. If such a Councilmember has a change of heart, he or she may make the motion to reconsider (any other Councilmember - including a Councilmember who voted in the minority on the original motion - may second the motion). If a Councilmember who voted in the minority seeks to make the motion to reconsider, it must be ruled out of order. The purpose of this rule is finality. If a Councilmember of minority could make a motion to reconsider, then the item could be brought back to the City Council again and again, which would defeat the purpose of finality.
- If the motion to reconsider passes, then the original matter is back before the City Council, and a new original motion is in order. The matter may be discussed, motioned, and voted as if it were on the floor for the first time.

#### **3.4.8.8 Counting Votes**

Usually, it's pretty easy to determine whether a particular motion passed or whether it was defeated. If a simple majority vote is needed to pass a motion, then one vote more than 50% of the Councilmembers present and voting is required. So, for City Council, if the vote is 3 in favor and 2 opposed, the motion passes. If it is 2 in favor and 3 opposed, the motion is defeated.

If a two-thirds majority vote is needed to pass a motion, the simple rule of thumb is to count the "no" votes and double that count to determine how many "yes" votes are needed to pass a particular motion. So, for City Council, if 1 Councilmembers vote "no" then the "yes" vote of at least 2 members present at the meeting are required to achieve a two-thirds majority vote to pass the motion. In the case of the 5 member City of Grey Forest City Council, if 2 councilmembers vote no, then a two-thirds majority vote fails.

In the case of a tied vote, the Mayor may cast a vote to break the tie.

Votes of City Council are based on Councilmember "present and voting". Accordingly, under the "present and voting" system, abstain votes are NOT counted on the motion. Members who abstain are counted for purposes of determining quorum (they are "present"), but the abstention votes on the motion are treated as if they did not exist (they are not "voting"). As such, a vote for or against a motion stands based on a simple majority (or two-thirds majority if required for the motion) of the votes cast.





**City of Grey Forest  
City Council  
Policies, Procedures, and  
Rules of Order for City Meetings**